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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,336	05/04/2001	Shinichi Suwabe	040405/0337	6759

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EXAMINER

BEKERMANN, MICHAEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/848,336	SUWABE, SHINICHI	
	Examiner	Art Unit	
	Michael Bekerman	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-9, 14-19 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-9, 14-19, and 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to papers filed on 8/18/2006.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/6/2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 4, 6-9, 14, 16-19, 24, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (U.S. Pub No. 2002/0156858) in view of Avnet (U.S. Pub No. 2002/0094787).** Any information contained within Avnet that is relied upon in this action is also contained in provisional application 60/196,756.

Regarding claims 4, 6, 14, 16, 24, and 26, Hunter teaches a plurality of shop terminals configured to connect to a server (via the internet) and send an advertisement to be displayed on an advertisement panel device (the computer that connects to the internet is taken to be a shop terminal) (Paragraph 0016). Hunter also teaches an advertisement panel control terminal (server) that is configured to receive, register, and store advertisement and control information (when the advertisement is shown), and is also configured to determine a panel device to show the advertisement on and controls the display of the advertisement on the panel device (Paragraphs 0016-0017). Hunter doesn't teach the panel device as communicating with an information portable unit. Avnet teaches sending detailed information (movie description, reviews, video, or audio) about a billboard display from the billboard to a user's PDA (Paragraph 0014). It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow a user to interact with a billboard panel device. This would allow the user to gather more information about the information displayed in an easy, efficient manner.

Avnet further teaches the capability for the sale of movie tickets without a physical POS by teaching the ordering of tickets (a reservation for a movie) through a PDA (Paragraph 0014, Sentence 6). Avnet also teaches the PDA device as connecting to the billboard without the need to access the Internet (Paragraph 0014, Sentence 7). Avnet teaches the wireless device as using Bluetooth (Paragraph 0006, Sentence 4) which inherently is capable of 2-way communication, but furthermore Avnet teaches the user as sending a prompt to the billboard to receive information (Paragraph 0006, Sentence 6), thus confirming 2-way communication. The Examiner contends that the

language used in Avnet is not entirely clear in regards to Sentence 6 of Paragraph 0014, in which a user purchases tickets using a PDA. This purchase is not specifically recited as occurring from the website. However, since Avnet does not specifically recite the purchase as taking place through the billboard device either, it would have been obvious to one having ordinary skill in the art at the time the invention was made for a PDA to connect through a billboard "hotspot" to purchase tickets. This would enable web-enabled wireless device users of Avnet who have not activated the web capabilities of their devices to purchase tickets as well.

Regarding claims 7, 8, 17, 18, 27, and 28, Hunter teaches the sending of information from an advertisement panel control terminal (server) to a billboard panel device. Avnet teaches the sending of detailed information consisting of a plurality of items (movie description, reviews, video, or audio) from a billboard to a PDA. While Avnet teaches multiple items as being sent, neither Hunter nor Avnet specify an item list as being sent from the billboard to the portable device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to send a list to the portable device that would give the user a choice of what to view, rather than sending all of the detailed information at the same time. This would make it easier for the user to comprehend all of the information (it would be difficult to watch multiple videos and read a movie review all at the same time). An updating of reservation state (showing a purchased ticket) must inherently take place.

Regarding claims 9, 19, and 29, Hunter teaches a Billing and Report Generation module for measuring, (inherently) updating, and reporting traffic history and

advertisement content for the advertisement (Paragraph 0030). Avnet teaches receiving multiple items from the billboard through a PDA. Neither Hunter nor Avnet specify storing an access history for each specific item downloaded, however since Hunter does measure traffic and content of advertisements, it would have been obvious to one having ordinary skill in the art at the time the invention was made to keep track of exactly which detailed information was downloaded. This would allow advertisers to keep track of not only how many people have seen the advertisement, but also which information pertaining to the advertisement has been downloaded most. This information can also be useful for billing purposes (as seen in Hunter).

3. Claims 5, 15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (U.S. Pub No. 2002/0156858) in view of Avnet (U.S. Pub No. 2002/0094787), and further in view of Amo (U.S. Patent No. 5,844,181).

Regarding claims 5, 15, and 25, neither Hunter nor Avnet specifies that there is an updating feature associated with the billboard panel display system. Amo teaches an information display system having a remote control center (advertisement updating unit) that transmits advertisement updates to a display (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow users to send updated advertisements to the server in case a sale changes or a correction needs to be made.

Response to Arguments

4. **In response to the 103(a) rejections**, applicant argues that the EBB of Avnet sends a URL to a user's PDA, in which they may browse a website to then purchase tickets. While the Examiner does not entirely agree with this assertion, Examiner sees how the language used in the reference might be unclear and confusing. Therefore, for the sake of alleviating confusion, Examiner has added a new obvious statement to better clarify the rejection on this issue.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFREY D. CARLSON
PRIMARY EXAMINER

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